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|-----------------------------------|---|-----------------------------|
| In re application of | : | DECISION ON PETITION |
| Hubert T. McGovern et al. | : | TO MAKE SPECIAL |
| Application No. 09/923,288 | : | (INFRINGEMENT) |
| Filed: August 6, 2001 | : | |
| For: DECK SCREWS SUITABLE FOR USE | : | |
| WITH COMPOSITE LUMBER | : | |

This is a decision on the petition under 37 C.F.R § 1.102(d) filed April 12, 2004 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed April 12, 2004 meets all of the requirements above and, therefore, the petition is **GRANTED**.

With regards to element 2(C) above, an Information Disclosure Statement was filed concurrently with the petition.

Steven N. Meyers
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SNM/vdb: 5/04/04